

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21465 of 2004

Between:

Kurnooli Tajesh Ali Baba Swamy, S/o Sri Hussain Saheb,
H.No. 12/124 A, Sri Venkateshwara Nagar, Near Sherin Nagar,

Kurnool -2.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep. by its Principal Secretary, Home

Department, Secretariat, Hyderabad-4.

2 Station House Officer, P.S. Chikadpally, Hyderabad.

3 Shaik Basha, Major,
r/o H.No. 6-1-137/A, Balaram Compound, Padmaraonagar,

Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue to Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent - 2 in interfering with the life and liberty of the petitioner without the due process of law is illegal and unjust and violative of Art 21 of the Constitution of India and consequently direct the respondent - 2 not to interfere with the life and liberty of the petitioner.

Counsel for the Petitioner:MR.C.M.R.VELU

Counsel for the Respondents 1 and 2 : GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner states that he has undertaken the business of film distribution with the partnership of the wife of the third respondent. It is stated that though the wife of the third respondent has taken back her share, the pressure is being exerted upon the petitioner through the second respondent for payment of amount. The petitioner contends that he is being summoned regularly to the police station, though no case has been registered against him.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The petitioner complains of harassment by the police particularly the second respondent. It is stated that he is being summoned to the police station regularly at the instance of the third respondent. If the dispute between the petitioner on the one hand and the third respondent on the other relate to any financial transactions, the question of the second respondent stepping into that matter does not arise. On the other hand, if the second respondent has received any complaint against the petitioner, he can certainly investigate the matter after registering the case. Without registering any case, the second respondent cannot require the petitioner to attend the police station unendingly,

nor can he exert pressure on the petitioner in the matter of payment of amounts.

Hence, the writ petition is disposed of directing that the second respondent shall not summon the petitioner to the police station except on the basis of a specific complaint disclosing any criminal act and after registering the case in accordance with law. No order as to costs.

29.11.2004

Note:

Issue CC in three days.

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To

1 State of Andhra Pradesh, Rep. by its Principal Secretary, Home
Department, Secretariat, Hyderabad-4.

2 Station House Officer, P.S. Chikadpally, Hyderabad.

3 Two CCs. to the Government Pleader for Home, High Court of A.P.,
Hyderabad (OUT).

4 Two CD copies.